

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID JOHN WIDMARK,  
Plaintiff,  
v.  
A. GOMEZ and M. MURO,  
Defendants.

Case No. 1:22-cv-00292-HBK (PC)

ORDER GRANTING DEFENDANTS'  
MOTION FOR ADMINISTRATIVE  
RELIEF

(Doc. No. 27)

Pending before the Court is Defendants' Second Motion to Modify the Discovery and Scheduling Order ("DSO"), filed January 26, 2024. (Doc. No. 27). Defendants seek to vacate the deadlines for completing discovery and filing of dispositive motions until after the Court rules on Defendants' pending Motion to Compel Discovery (Doc. No. 26). (*Id.* at 1-2). Defendants assert good cause exists to modify the DSO because Plaintiff has not responded to their discovery requests served in October 2023 and re-served in December 2023, and thus no meaningful discovery has been completed in this case. (*Id.*). Because Defendants cannot complete discovery or file a dispositive motion until Plaintiff responds to their requests, they argue the Court must vacate those deadlines until it addresses the pending Motion to Compel. (*Id.* at 4-5).

Fed. R. Civ. P. 6(b) provides for extending deadlines for good cause shown, if the request to extend time is made before the original time, or its extension expires; or, on a motion made

1 after the time has expired, if the party failed to act because of excusable neglect. Additionally,  
2 Fed. R. Civ. P. 16(b)(4) permits a court to modify a scheduling order for good cause shown and  
3 with the judge's consent. Here, Defendants filed their motion before the prior extension of time  
4 expired and have established good cause to extend the discovery and dispositive motion  
5 deadlines.

6 ACCORDINGLY, it is hereby ORDERED:

- 7 1. Defendants' Motion for Administrative Relief (Doc. No. 27) is GRANTED.
- 8 2. The deadlines for completing discovery (February 12, 2024) and filing of dispositive  
9 motions (May 13, 2024) in this case are vacated until the Court rules on Defendants'  
10 Motion to Compel Discovery (Doc. No. 26).
- 11 3. All other deadlines and procedures set forth in the Court's March 13, 2023 Discovery  
12 and Scheduling Order (Doc. No. 23), as modified by the Court's November 30, 2023  
13 Order (Doc. No. 25) remain in effect.

14  
15 Dated: February 7, 2024

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE